

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Santa Ana Regional Water Quality Control Board**

March 21, 2018

Mr. John Long
Eddie R Fischer Revocable Trust
2020 East Orangethorpe Avenue
Fullerton, CA 92831
john.long@vistapaint.com

**OVERSIGHT COST REIMBURSEMENT FOR SITE CLEANUP PROGRAM (SCP) –
FORMER TRENT TUBE COMPANY FACILITY/CRUCIBLE MATERIALS AT 2100
EAST ORANGETHORPE AVENUE, FULLERTON, ORANGE COUNTY**

Dear Mr. Long,

The California Water Code (Porter-Cologne), Section 13267, authorizes the Regional Board to require water quality investigations. Section 13365 addresses the billing process for the Regional Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters.

The property at 2100 East Orangethorpe Avenue (Site) occupies approximately 5.2 acres in an urban industrial area in Orange County. The legal designation of the Site is Assessor's Parcel Number (APN) 073-131-42. The facility was constructed in the late 1950's for manufacturing stainless steel tubing, which took place until 1984 when activities at the Site ceased. Chlorinated solvents containing volatile organic compounds (VOCs) were utilized as part of the manufacturing process. The former manufacturing building is currently used as an office space and for recreational vehicle storage and repair.

VOCs and 1,4-dioxane (a solvent stabilizer) are present in the soil and groundwater beneath the Site as a result of past operations of the former Trent Tube Company and Crucible Materials. Available records indicate that soil vapor and soil sampling last occurred in 2003 and 2006, respectively. VOCs were not detected in the soil matrix samples. The concentrations of tetrachloroethene (PCE) and trichloroethene (TCE) in soil vapor exceed the current commercial Environmental Screening Levels (ESLs) for those VOCs, set forth by the San Francisco Bay Regional Water Quality Control Board (2016).

In 2011, Environmental Support Technologies collected grab samples of the perched groundwater beneath the Site (roughly 70 to 80 feet below ground surface). Analytical results indicate that PCE and its degradation constituents, including TCE and 1,1-

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dichloroethene (1,1-DCE), were present at maximum concentrations of 57.5 micrograms per liter ($\mu\text{g/L}$), 9.0 $\mu\text{g/L}$, and 16.4 $\mu\text{g/L}$, respectively. In addition, 1,4-dioxane was present at concentrations up to 27.2 $\mu\text{g/L}$. Deeper groundwater samples (from 123 feet below ground surface) also contained these same contaminants.

The Site overlies the Orange County Groundwater Management Zone. The beneficial uses of the groundwater within the Orange County Groundwater Management Zone include Municipal and Domestic Supply, Agricultural Supply, Industrial Service Supply, and Industrial Process Supply.

The Site also overlies the "Orange County North Basin regional groundwater plume," a commingled plume that is impacted with VOCs and other contaminants.

On January 18, 2018, the USEPA proposed to add the Orange County North Basin regional groundwater plume to the National Priorities List. Regional Board staff are working with staff from the USEPA to oversee investigation and cleanup at sites that have contributed, or may have contributed to the regional plume.

The available information indicates that waste discharges at the Site may have impacted, or threaten to impact, one or more of the beneficial uses of the Orange County Groundwater Management Zone. Therefore, pursuant to Porter-Cologne Sections 13267 and 13365, it is our intent to recover costs for Regional Board staff's regulatory oversight of work conducted at this Site under the Cost Recovery for Regulatory Oversight of Cleanups program.

In accordance with Section 13365 of the California Water Code, this letter is being sent to provide you with the following information regarding costs for regulatory oversight work:

1. A detailed estimate of the work to be performed or services to be provided.
2. A statement of the expected outcome of that work.
3. The billing rates for all individuals and classes of employees expected to engage in the work.
4. An estimate of all expected charges to be billed to you by this agency.

Estimate of Work to Be Performed

We estimate that the following work will be performed during the remainder of the 2017/2018 fiscal year (ending July 1, 2018):

- Review investigation work plans, and other technical reports for the Site.
- Written correspondence and telephone communications with responsible parties, their representatives, and interested third parties.
- Conduct internal communications (meetings, memos, etc.) regarding the project.
- Oversee the implementation of mitigation measures, if necessary.
- Meetings with responsible parties, their representatives, and interested third parties.

- Site inspections, site visits, and sampling.

Statement of Expected Outcome

The following is the expected outcome of work that will be performed during the remainder of 2017/2018 fiscal year:

- Concurrence with investigation report, and other technical reports for the site as necessary.
- Preparation of site inspection reports.
- Determine the need for further investigation of the impacts to soil and groundwater, as well as risk to human health and the environment.

Billing Rates

Enclosures 1 and 2 describe the billing procedure and the billing rates for employees expected to perform the work. The names and classifications of employees that charge time to this site will be listed on the invoices. The average billing rate is approximately \$170.00 per hour. The rate will vary depending on the salaries of the individuals responsible for conducting the oversight work as noted in the billing rate enclosure.

Estimation of Expected Charges

- A. Staff expect to charge approximately 40 hours of work related to this site during the remainder of fiscal year 2017/2018. This is an estimate, and the actual time needed may be less or greater, depending on the nature and extent of the work that is necessary, and your willingness to accomplish this work in a timely manner. Based on the average billing rate of \$170 per hour, the estimated billing charge for this site during the remainder of fiscal year 2017/2018 is approximately \$6,800.00, which does not include possible contract charges stated in B (see below). **Please note that this is only an estimate of the work that is expected to be performed.**
- B. To better evaluate the potential health risk to the current/future occupants of the Site and the immediate site vicinity, which may result from the detected or residual contaminants at the Site, Board staff may utilize the contract that has been established with the California Office of Environmental Health Hazard Assessment (OEHHA), for a toxicologist's review of submitted health risk assessment reports. When requested, OEHHA toxicologists will provide the Regional Board with consultation services on issues concerning human health and/or environmental risks.

Under the Cost Recovery Program, the responsible party is required to reimburse the Regional Board for the costs incurred for OEHHA staff's review and response pertaining to relevant documents. Charges by OEHHA staff will be included in our

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invoices under the contract charges category. All quarterly invoices generated for your project will be sent to your designated billing contact by the staff at the State Water Resources Control Board.

Landowner Notification and Participation Requirements

Pursuant to Section 13307.1 of the Water Code, the Regional Board is required to notify all current fee title holders for the subject site prior to considering corrective action or granting case closure. Therefore, you are required to provide the name, mailing address and telephone numbers for all record fee title holders for the site, together with a copy of the county record of current ownership, available from the County Recorder's Office, or complete the enclosed Certification Declaration Form (Enclosure 3) and submit it to our office, with your signature. Please submit the required information by **April 23, 2018**.

Acknowledgment

By **April 23, 2018**, please acknowledge your intent to reimburse regulatory oversight work as stated in the enclosures, by returning the enclosed Acknowledgement of Receipt of Oversight Cost Reimbursement Account Letter (Enclosure 4) with your signature.

You will soon begin receiving bills for costs associated with the Regional Board's ongoing regulatory activities related to the site. Those bills will include charges incurred as of **March 1, 2018**.


Other Requirements

Electronic Submittals

Regulations requiring the electronic submittal of information (ESI) went into effect on January 1, 2005. As of July 1, 2005, paper copies of reports are no longer required upon submittal of the electronic copy unless the Regional Board staff specifically notifies you that a paper copy is to be submitted (Enclosure 5). Please upload all documents relating to the Site into the State Water Resources Control Board's on-line GeoTracker database, located at: <http://geotracker.waterboards.ca.gov/>.

If you have any questions, please contact Chad Nishida at (951) 782-3252, or by e-mail at chad.nishida@waterboards.ca.gov, or you may call Nick Amini, Chief of our Site Cleanup Section at (951) 782-7958 or by e-mail at nick.amini@waterboards.ca.gov.

Sincerely,


for Hope A. Smythe
Executive Officer

Enclosures:

1. Reimbursement Process for Regulatory Oversight
2. Billing Rates Description
3. Certification Declaration for Compliance with Fee Title Holder Notification Requirements
4. Acknowledgment of Receipt of Oversight Cost Reimbursement Account Letter
5. New Regulations – Electronic Submittal of Information

cc: Tracy Lotz – SWRCB (tracy.lotz@waterboards.ca.gov)
Angela Sandoval – U.S. EPA (Sandoval.angela@epa.gov)
Kim Hoang – U.S. EPA (Hoang.Kim@epa.gov)

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REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT

We have identified your facility or property as requiring regulatory cleanup oversight. Pursuant to the Porter-Cologne Water Quality Control Act, reasonable costs for such oversight can be recovered by the Regional Water Quality Control Board (RWQCB) from the responsible party. The purpose of the enclosure is to explain the oversight billing process structure.

INTRODUCTION

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board (SWRCB) to set up Cost Recovery Programs. The Budget Act of 1993 authorized the SWRCB to establish a Cost Recovery Program for the Site Cleanup Program (SCP). The program is set up so that reasonable expenses incurred by the SWRCB and RWQCBs in overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely impacting the State's waters can be reimbursed by the responsible party. Reasonable expenses will be billed to responsible parties and collected by the Fee Coordinator at the SWRCB in the Division of Clean Water Programs (DCWP).

THE BILLING SYSTEM

Each cost recovery account has a unique charge number assigned to it. Whenever any oversight work is done, the hours are billed to the account number on the employee's time sheet. The cost of staff hours is calculated by the State Accounting System based on the employee's salary and benefit rate and the SWRCB overhead rate.

SWRCB and RWQCB Administrative charges for work such as accounting, billing preparation, general program meetings and program specific training cannot be charged directly to an account. This work will be charged to Administrative accounting codes. The Accounting Office totals these administrative charges for the billing period and distributes them back to all of the accounts based on the number of hours charged to each account during that billing period. These charges show as SWRCB Program Administrative Charges and RWQCB Program Administrative Charges on the Invoice.

The overhead charges are based on the number of labor hours charged to the account. The overhead charges consist of rent, utilities, travel, supplies, training, and accounting services. Most of these charges are paid in arrears. Therefore, if there is no labor charged during the billing period, there still may be overhead charges associated with previous months services. The Accounting Office keeps track of these charges and distributes them back monthly to all of the accounts based on the number of hours charged to each account. Therefore, the quarterly statements could show no labor hours charged for that billing period, but some overhead costs could be charged to the account.

Invoices are issued quarterly, one quarter in arrears. If a balance is owed, a check is to be remitted to the SWRCB with the invoice remittance stub within 30 days after receipt of the invoice. The Accounting Office sends a report of payments to the Fee Coordinator on a quarterly basis. Copies of the invoices are sent to the appropriate RWQCBs so that they are aware of the oversight work invoiced. Questions regarding the work performed should

be directed to your RWQCB project manager. If the responsible party becomes delinquent in their quarterly payments, oversight work will cease immediately. Work will not begin again unless the payments are brought up-to-date.

DISPUTE RESOLUTION

If a dispute regarding oversight charges cannot be resolved with the RWQCB, Section 13320 of the California Water Code provides a process whereby persons may petition the SWRCB for review of RWQCB decisions. Regulations implementing Water Code Section 13320 are found in Title 23 of the California Code of Regulations, Section 2050.

DAILY LOGS

A detailed description (daily log) of the actual work being done at each specific site is kept by each employee in the RWQCB who works on the cleanup oversight at the property. This information is provided on the quarterly invoice using standardized work activity codes to describe the work performed. *Upon request, a more detailed description of the work performed is available from the RWQCB staff.*

REMOVAL FROM THE BILLING SYSTEM

After the cleanup is complete the RWQCB will submit a closure form to the SWRCB to close the account. If a balance is due, the Fee Coordinator will send a final billing for the balance owed. The responsible party should then submit a check to the SWRCB to close the account.

AGREEMENT

No cleanup oversight will be performed unless the responsible party of the property has returned a copy of the signed Acknowledgment of Receipt of Oversight Cost Reimbursement Account Letter (Account Letter) agreeing to reimburse the State for appropriate cleanup oversight costs. You may wish to consult an attorney in this matter. As soon as the signed Account Letter is received, the account will be added to the active Site Cleanup Program Cost Recovery billing list and oversight work will begin. A copy of the Account Letter is enclosed.

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM (SCP)
BILLING COST EXPLANATION
Fiscal Year 2017-2018**

Employee Salary and Benefit by Classification [1]	Salary/Benefits Range	
7500 - AEO CEA	\$ 9,519	\$ 21,666
4558 - Admin Officer II	\$ 7,128	\$ 8,856
5871 - Assistant Chief Counsel	\$ 16,145	\$ 18,887
5393 - Associate Governmental Program Analyst (Statewide)	\$ 6,588	\$ 8,494
5778 - Attorney	\$ 7,347	\$ 12,800
5795 - Attorney III	\$ 12,078	\$ 15,495
5780 - Attorney IV	\$ 13,341	\$ 17,131
4707 - Business Serv Asst (Spec)	\$ 3,736	\$ 5,889
3756 - Engineering Geologist	\$ 7,158	\$ 13,475
0756 - Environmental Program Manager I (Supervisory)	\$ 13,846	\$ 17,212
0769 - Environmental Program Manager II	\$ 16,070	\$ 18,255
0762 - Environmental Scientist	\$ 4,765	\$ 9,110
3843 - Exec Officer I	\$ 18,478	\$ 20,990
3842 - Exec Officer II	\$ 18,929	\$ 21,500
5601 - Information Officer I (Spec)	\$ 6,588	\$ 8,494
1282 - Legal Secretary	\$ 4,548	\$ 6,159
1441 - Office Assistant (General) (Statewide)	\$ 3,105	\$ 4,399
1379 - Office Assistant (Typing) (Statewide)	\$ 3,209	\$ 4,488
1138 - Office Technician (General) (Statewide)	\$ 3,950	\$ 5,097
1139 - Office Technician (Typing) (Statewide)	\$ 4,023	\$ 5,184
3851 - Principal Water Resources Control Engineer	\$ 16,837	\$ 19,124
5373 - Public Participation Specialist	\$ 6,588	\$ 8,246
3826 - Sanitary Engineering Associate (Statewide)	\$ 7,425	\$ 9,294
3782 - Sanitary Engineering Technician (Statewide)	\$ 5,114	\$ 7,350
3751 - Senior Engineering Geologist (Statewide)	\$ 12,617	\$ 15,790
0764 - Senior Environmental Scientist	\$ 11,974	\$ 14,885
0765 - Senior Environmental Scientist (Spec)	\$ 8,432	\$ 10,489
3224 - Senior Legal Typist	\$ 3,877	\$ 5,584
3844 - Senior Water Resources Control Engineer	\$ 12,617	\$ 15,790
5157 - Staff Services Analyst (General)	\$ 4,218	\$ 7,063
4800 - Staff Services Manager I	\$ 7,834	\$ 9,733
5815 - Supervising Attorney	\$ 12,084	\$ 15,511
3748 - Supervising Engineering Geologist (Statewide)	\$ 13,857	\$ 17,348
3849 - Supervising Water Resources Control Engineer	\$ 13,857	\$ 17,348
3846 - Water Resources Control Engineer	\$ 7,158	\$ 13,406
<u>Intermittent Employees:</u>		
1120 - Seasonal Clerk	\$ 1,820	\$ 2,053
1931 - Scientific Aid	12.11/hour	14.36/hour
4871 - Student Assistant Engineering (Statewide)	\$ 2,093	\$ 3,227

Note: The State is currently in negotiations with the unions so the upper limits of these ranges may be subject to change

Operating Expenses and Equipment [2] (both State and Regional Board offices)
Indirect Costs (Overhead = cost of doing business) 127%

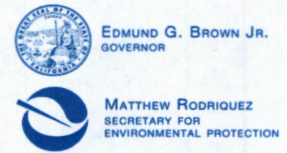
Billing Example

Water Resources Control Engineer

Salary and Benefits:	\$ 13,406
Overhead (indirect costs):	<u>\$ 16,999</u>
Total Cost per month	\$ 30,405

Divided by 173 hours per month equals per hour: \$ 175.75
(Due to the various classifications that expend SCP resources an average of **\$170.00**
per hour can be used for projection purposes.)

- [1] The name and classification of employees performing oversight work will be listed on the invoice you receive.
[2] The examples are estimates based on recent billings. Actual charges may be slightly higher or lower.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

Enclosure 3

CERTIFICATION DECLARATION FOR COMPLIANCE WITH FEE TITLE HOLDER NOTIFICATION REQUIREMENTS (California Water Code Section 13307.1)

Please Print or Type

Fee Title Holder(s): _____

Mailing Address: _____

Contact Person: _____

Telephone Number / Fax Number: _____

Site Name: _____

Address: _____

Contact Person: _____

Telephone Number / Fax Number: _____

File Number: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (See attached page for who shall sign the Certification Declaration).

Printed Name of Person Signing

Official Title

Signature

Date Signed

The certification declaration form must be signed as follows:

1. For a corporation - by a responsible corporate officer, which means; (i) by a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy of decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship – by a general partner or the proprietor respectively.
3. For a municipality, state, federal, or public agency - by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations or a principal geographic unit.

**ACKNOWLEDGMENT OF RECEIPT OF
OVERSIGHT COST REIMBURSEMENT ACCOUNT LETTER**

I, _____, acting within the authority vested in me as an authorized representative of Eddie R Fischer Revocable Trust, acknowledge that I have received and read a copy of the attached REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT and the cover letter dated March 21, 2018, concerning cost reimbursement for Regional Board staff costs involved with oversight of cleanup and abatement efforts at the former Trent Tube Company/Crucible Materials Property. The address for this site is 2100 East Orangethorpe Avenue, Fullerton, California.

I understand the reimbursement process and billing procedures as explained in the letter. The undersigned is willing to participate in the cost recovery program and pay all subsequent billings in accordance with the terms in your letter and its attachments, and to the extent required by law. I also understand that signing this form does not constitute any admission of liability, but rather an intent to pay for costs associated with oversight, as set forth above, and to the extent required by law. Billings for payment of oversight costs should be mailed to the following individual and address:

BILLING CONTACT _____

BILLING ADDRESS _____

TELEPHONE NO. _____

RESPONSIBLE PARTY'S SIGNATURE _____

(Signature)

(Title)

DATE: _____

Staff: CAN

Electronic Submittal of Information

GeoTracker Reporting Requirements

What are the State Water Board electronic data submittal requirements?

The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup site. Submission dates are set by a Regional Water Board or by a regulatory agency. Once a report/data is successfully uploaded, as required, you have met the reporting requirement (i.e. the compliance measure for electronic submittals is the actual upload itself). The upload date should be on or prior to the regulatory due date.

What this means:

- **Lab Data:**
Analytical data (including geochemical data) for all soil, vapor and water samples that are collected for the purpose of subsurface investigation or remediation are required to be submitted in specified EDF format to a regulatory agency. These data are required to be submitted in electronic format to the State Water Board's Geotracker system via the Internet. Groundwater, soil and vapor samples include: monitor well samples, borehole samples, gas and vapor samples, groundwater grab samples, piezometer samples, stockpile samples and samples from drinking water wells.
- **Boring Logs and Well Screen Intervals:**
Boring logs must be prepared by an appropriate registered professional and need to be submitted in PDF format. If a monitor well is installed, the screen depth and interval must be reported.
- **Depth to Water Data:**
Monitor wells need to have the depth-to-water information reported in the GEO_WELL file whenever the data is collected, even if the well is not actually sampled during the sampling event. Drinking water wells generally do not need to have the depth to water reported unless they are surveyed as permanent sampling points. A permanent sampling point is defined as a point that is sampled for more than a 30-day period.
- **Locational Data:**
If samples from the permanent sampling locations are included in a regulatory report to a regulatory agency as part of a cleanup program, these sampling points must be surveyed. This would typically include any groundwater or similar monitoring points at the site or any drinking water wells that are included in the regulatory report. The surveyed locational information for

these sampling points should be submitted using the Geo_XY file. Transient or one-time sampling points (e.g. direct push technologies, piezometers, or grab samples often used for rapid site characterization, stockpile sampling points...) do not need to be surveyed. Permanent influent/effluent sampling locations do need to be surveyed as well. Transient sampling point (a point that is sampled for less than 30 days) are not required to be surveyed.

- **Elevation Data:**

Elevation measurements to the top of groundwater well casings are required for all groundwater monitoring wells (to be submitted as part of the GEO_Z file). Drinking water wells included in the report, do not need to have the elevation reported unless they are identified as permanent sampling points.

- **Site Map:**

An electronic generalized site plan map is required to be submitted into the State database (GEO_MAP). Site map should display tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples. The site map is a stand-alone document that may be submitted in various formats. Additional updated site map may be submitted at any time.

- **Paperless Reporting Requirement:**

As of January 1, 2005, a complete copy of all clean-up and monitoring reports must be submitted to GeoTracker. This uploaded PDF report may include the signed transmittal letter, professional certification and all data that are uploaded into the GeoTracker.

The survey data (latitude/longitude and elevation), depth-to-water, and site map information files must be submitted as required to the SWRCB's GeoTracker database via the Internet in accordance with the Geotracker XYZ survey Guidelines and Restrictions.

For more information and guidelines for submittal of data and documents go to State Water Resources Control Board's website on Electronic Submittal of Information at

http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml